COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call		Observation	XX	Search Warrant		Arrest Warrant	

LOCATION OF OCCURRENCE

At the intersection of Hazard Avenue and Cesar E. Chavez Avenue, East Los Angeles.

TYPE OF LOCATION

Residence		Business		Industrial		Parking Lot	
Street		Backyard		Freeway		Rural	
Other	XX	Vacant lot.					

SHOOTING CONDITIONS

DATE	TIME	DAY
12-31-96	2110 Hours	Tuesday

LIGHTING	WEATHER
Overhead street lighting.	Clear and cool.

DISTANCE

Approximately sixty-five (65) feet.

CONTRIBUTING FACTORS

None known.

LOS ANGE[illegible]ES COUNTY - SHERIFF'S DE[illegible]ARTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	Yes
PERSON(S) UNARMED:	No
STARTLE:	No
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[X] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	Yes
FOOT PURSUIT:	No
VEHICLE PURSUIT:	No
MOVING VEHICLE:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	Department Issued
GUN IN HOLSTER:	No
STRUGGLE INVOLVED:	No

ADDITIONAL FACTS AND INFORMATION:

Two deputies while seated in a radio car were shot at by an unknown suspect. Deputies returned fire and drove vehicle out of kill zone.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME					
OPFERMAN, Stephen P.					

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Sheriff Bonus-1	[redacted]	East Los Angeles/Field Operations Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	W	6' 00"	190	[redacted]	36

DUTY STATUS	HIRE DATE
Active Duty	02-17-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Class A	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	N/A

DESCRIPTION OF INJURIES
N/A

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [ ] NO [X]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [ ] NO [X]
WHERE? N/A
SUPERVISED BY: N/A

WEAPON USED

TYPE	AUTHORIZED
Beretta 9mm Model 92F (Personal Weapon) Serial Number [redacted]	Yes

AMMUNITION TYPE	AUTHORIZED
Winchester 9mm(Department Issued)	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	16	0

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
03-01-91 to Present	Field Operations Region I/East Los Angeles	Deputy Sheriff

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
ROMERO, Vincent M.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Sheriff	[redacted]	East Los Angeles/Field Operations Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	H	5' 08"	160	[redacted]	31

DUTY STATUS	HIRE DATE
Active Duty	04-08-90

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Class A	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	N/A

DESCRIPTION OF INJURIES
N/A

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [ ] NO [X]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [ ] NO [X]

WHERE? N/A

SUPERVISED BY: N/A

WEAPON USED

TYPE	AUTHORIZED
Beretta 9mm Model 92F Serial Number BER[redacted]Z	Yes
AMMUNITION TYPE	**AUTHORIZED**
Winchester 9mm (Department Issued)	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	6	0

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-07-96 to Present	Field Operations Region I/East Los Angeles	Deputy Sheriff

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
Unknown		

ADDRESS

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M						

INJURED	DESCRIPTION OF INJURIES

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE

TYPE OF SUBSTANCE	LAB TEST CONDUCTED

ARMED	TYPE OF WEAPON
Yes	Unknown firearm. Possibly a 9mm.

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
Numerous	None

SUSPECT VEHICLE
Unknown, if any.

CRIMINAL HISTORY (ATTACH COPY OF RAPS)

SUMMARY OF INCIDENT

On 12-31-96, at about 2110 hours, uniformed Deputies Stephen Opferman and Vincent Romero assigned to PM Shift unit 21 were southbound on Hazard Avenue at Cesar E. Chavez Avenue when they stopped for a red light. The deputies came under fire and saw muzzle flashes just to the south of Cesar E. Chavez Avenue. Both deputies returned fire. Opferman fired 16 rounds and Romero fired 6 rounds. Opferman put the radio car in reverse to get out of the kill zone and radioed for assistance. A perimeter was set up and a search was conducted by several 240K-9 deputies and ELA deputies. The suspect was not located, however evidence was recovered in the vacant field that indicated someone had recently fired a 9mm firearm.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #
WITNESS # 1 — **OPFERMAN, Stephen P., Deputy Sheriff, #[redacted]** **East Los Angeles Station/Region I** [redacted] **was interviewed on January 1, 1997, by Sergeants Ernie A. Gjendem and Stacy Lee of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his Administrative Rights: Yes [_x_] No [__]**
WITNESS # 2 — **ROMERO, Vincent M., Deputy Sheriff, #[redacted]** **East Los Angeles Station/Region I** [redacted] **was interviewed on January 1, 1997, by Sergeants Ernie A. Gjendem and Stacy Lee of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his Administrative Rights: Yes [_x_] No [__]**
WITNESS # 3 — [redacted] **DOB:** [redacted] **was interviewed on January 3, 1997, by Sergeant Ernie A. Gjendem of the Internal Affairs Bureau. The interview was tape recorded.**
WITNESS # 4 — [redacted] **DOB:** [redacted] **was interviewed on January 13, 1997, by Sergeant Ernie A. Gjendem of the Internal Affairs Bureau. The telephone interview was tape recorded.**
NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

LOS ANGE‿‿S COUNTY - SHERIFF'S DE‿‿RTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #
WITNESS # 5 [redacted] **DOB:** [redacted] **was interviewed on January 31, 1997, by Sergeant Ernie A. Gjendem of the Internal Affairs Bureau. The interview was tape recorded.**
WITNESS #
WITNESS #
WITNESS #
NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

LOS ANGE'_'S COUNTY - SHERIFF'S DE'_'RTMENT

ON SCENE CHECK LIST

HANDLING UNIT	OFFICER IN CHARGE
East Los Angeles Station Unit 21	Sergeant Cunningham
DIAGRAM LOCATION Yes attached as an exhibit	PHOTOS OF LOCATION Yes attached as an exhibit

NOTE ALL VEHICLES INVOLVED IN INCIDENT

LICENSE #	DESCRIPTION
E026083	Chevrolet marked black and white Sheriff's Department vehicle
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION

LOCATION OF ANY WEAPONS
Suspect fled with weapon.

LOCATION OF ANY BODIES
N/A

LOCATION OF ANY BLOOD
Unable to locate

COMPLETE WITNESS LIST
See Witness List

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [ ] NO [X]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [ ] NO [X]
WHERE? N/A
SUPERVISED BY: N/A

VIDEO TAPE OF SCENE
Yes included with case tapes

IN SERVICE SHEETS
Yes attached as an exhibit

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CASE COMPLETION CHECK LIST

RECORDED RADIO MESSAGES	Yes
MDT MESSAGES	No
STATION LOG PRINT OUT	No
CAR LOGS	Yes
PHONE CALL RECORDINGS PERTAINING TO CASE	No
PRINTS FROM SCENE	No
GSR TEST	No
BLOOD SPATTER EXAM AND ANALYSIS	No
ALL REPORTS AND DOCUMENTS FROM STATION / UNIT	Yes attached as exhibits
STATION / UNIT TRAINING RECORDS	No
ACADEMY TRAINING RECORDS	No
TRAINING RECORDS FOR EQUIPMENT USED	No
SUSPECT PERSONAL HISTORY INFORMATION	Unknown

INVESTIGATIVE SUMMARY

FILE # S-011139

The information contained in this summary is based upon reports, interviews, physical evidence viewed at the scene, photographs taken at the scene, and subsequent interviews. It also contains information relayed to Internal Affairs investigators.

On December 31, 1996, at 2146 hours, Lieutenant Roberta Abner of the Internal Affairs Bureau notified Sergeant Ernie Gjendem and Sergeant Stacy Lee of a deputy involved non-hit shooting having just occurred at Hazard Avenue and Cesar E. Chavez Avenue, in the East Los Angeles area. When the investigators arrived they were briefed by Lieutenant Joseph Arteaga, the watch commander and Sergeant Kenneth Cunningham, the field sergeant. Deputy White from the Force Training Unit also responded. The shooting incident was documented under file number 497-00001-0275-055. Detective Benny Hollowell was assigned as the investigator.

On December 31, 1996, New Year's Eve, at approximately 2110 hours, **Deputy Stephen P. Opferman #**[redacted], the driver and field training officer, and **Deputy Vincent M. Romero** #[redacted], the bookman who is in his fifth month of patrol training, were southbound Hazard Avenue when they were stopping for a red traffic signal at Cesar E. Chavez Avenue, in the unincorporated area of East Los Angeles. The uniformed deputies were assigned to PM shift unit 21. Deputy Opferman was driving a Sheriff's Department black-and-white vehicle, equipment number 32746, with the headlights on. Both avenues have street lighting, however the vacant lot to the south of Cesar E. Chavez Avenue was very dark.

While coming to a stop at the north side of the crosswalk, with the driver's side and passenger's side door windows down, they heard several rounds, estimated to be between 8 and 10, go by the radio car. They next saw the muzzle flashes for these 8 to 10 rounds about 10 feet south of the south curbline of Cesar E. Chavez Avenue and about 15 feet east of the east curbline of Hazard Avenue. From the lighting provided by the muzzle flashes, the deputies saw the silhouette of an adult individual behind a horizontal guard rail on the south side of the sidewalk.

Both deputies, stated that they believed they were being assaulted and were afraid for their lives. They immediately returned fire with their 9mm Beretta handguns while they were seated inside the radio car. Opferman placed his gun outside the open driver's side door window and with two hands aimed at the silhouette, fired about 16 rounds. Romero placed his gun outside the passenger's side door window and with his right hand pointed at the muzzle flashes, fired 6 rounds.

> **<u>IAB NOTE:</u>** The distance between the deputies and suspect who shot at them was estimated at approximately 65 feet.

After the suspect fired the first 8 to 10 rounds, there was a moment of silence, and then they heard the suspect yell, "yahoo." Opferman requested immediate assistance via his portable radio regarding having been fired upon.

Opferman realized he was in a possible kill zone, so he put the vehicle in reverse and sped backwards, north on Hazard Avenue. Opferman thought he may have fired a couple of rounds

using his right hand while he backed up the radio car. Romero could not be positive whether he fired while Opferman was backing the car. The deputies did not fire again after their initial rounds.

While the deputies backed up, they heard a second volley of rounds from the same type of gun. They were not sure if the second volley of rounds were fired at them. They estimated the second volley to be about 8 rounds, but further to the south and west. Both deputies reloaded their firearms when they backed up. Opferman stopped the radio car when he reached the north end of the Anthony B. Quinn Library parking lot entrance.

Prior to the IAB investigators' arrival, a command post and containment were set up by the handling unit with Sergeant Cunningham in charge. Also prior to the investigators arrival, several 240K-9 units, including Sergeants Meza and Lincoln, deployed and searched the area for suspect(s) with negative results. Air 22, with Deputies John McLean and Jeffery Jones, responded and assisted with the search. The search deputies found no trace of blood in the area where the suspect had been standing when the deputies fired, nor was there a trace of blood in the direction of where the suspect ran. The 240K-9 units found casings and live rounds, but had ELA field units recover the evidence.

In an attempt to locate where the deputies' rounds struck, the area to the south of where the suspect was standing was searched. Two of the deputies rounds struck the side and front of a utility control box on the south side of the sidewalk in front of the fence and guard rail. Also to the south of where the suspect was standing, the ground slopes downward. The background of the shooting is down the hill. Several residents to the south were contacted by field deputies and one home was located that had a hole in the living room window. This was documented in a supplemental report by Deputy [redacted].

> **IAB NOTE:** Due to the nearing midnight hour, investigators met with Deputies Opferman and Romero and asked if they would provide a narrated walk-through as to how the shooting occurred. Both deputies indicated they would and an 8mm video was narrated by the deputies.

The radio car was not struck by the suspect's rounds. While the deputies indicated they fired a total of twenty-two (22) rounds, there were nineteen (19) 9mm Winchester casings recovered on or near the radio car. Of these nineteen casings, thirteen (13) were recovered from the roadway where the deputies indicated they had fired at the suspect and six (6) were recovered from atop the radio car.

Deputies Opferman and Romero agreed to speak with IAB investigators at East Los Angeles Station. Prior to the interview, each deputy was afforded rights of a subject. Neither said they were injured as a result of the incident.

Opferman reported the shooting happened so quickly there was no time to communicate with his partner about the incident. Opferman said he and Romero had discussed training issues in the past and such a set of circumstances had been discussed. Romero said Opferman talks about officer safety issues daily.

Opferman and Romero indicated they were familiar with the intersection. In particular, they indicated they knew the shooting background when they fired, which was an open field and several

junk cars on the property at [redacted].

Opferman recalled a shooting report was taken at this same vacant lot a few nights prior.

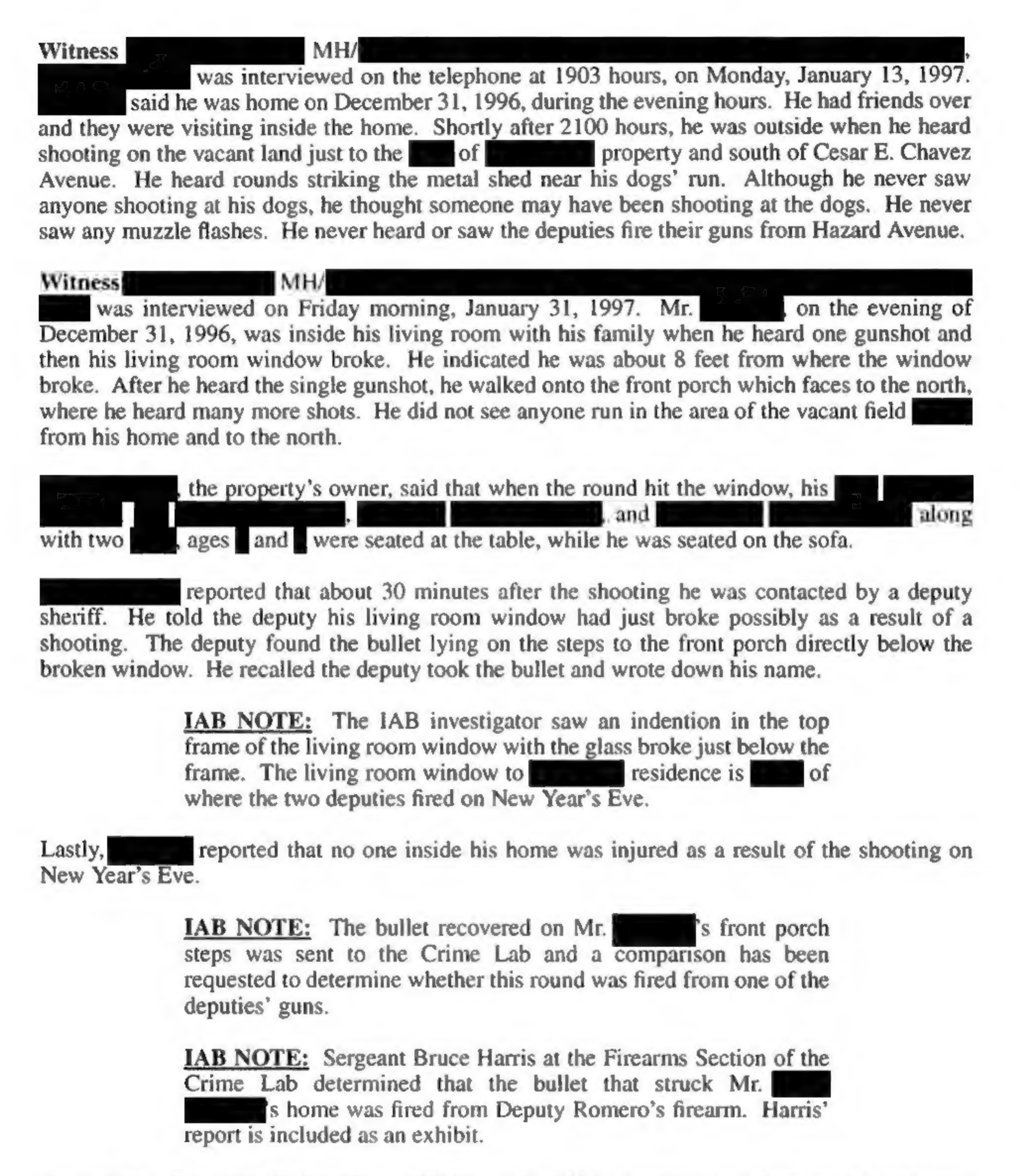
Investigators examined both deputies' firearms at East Los Angeles Station. The weapons were examined after the deputies had reloaded in the field. Deputy Opferman fired his personal 9mm Beretta model 92F, serial number [redacted]. Opferman's firearm had 1 round in the chamber, 14 in one magazine and 15 in the other magazine, while the third magazine was empty. He indicated he had 46 rounds prior to the shooting. The rounds in Opferman's firearm were all Department issued Winchester 9mm rounds.

Deputy Romero fired his Department issued 9mm Beretta model 92F, serial number BER[redacted]Z. Romero's firearm had 1 round in the chamber, 15 in each of two magazines and 9 in the third magazine. He indicated he had 46 rounds prior to the shooting. The 40 rounds in Romero's possession were all Department issued Winchester 9mm rounds.

Deputies Opferman and Romero responded to the Firearms Section at the Crime Lab, 2020 West Beverly Boulevard, Los Angeles, on Monday, January 6, 1997, and had their firearms test fired.

Witness Thomas Giandomenico #[redacted], a deputy sheriff assigned to Men's Central Jail, was interviewed as a sworn witness. He wrote a supplemental report on the night of the shooting and indicated where he found rounds. First, he found four (4) 9mm spent shell casings about fifteen (15) feet south of the south curb line of Cesar E. Chavez Avenue and west of the retaining wall. Approximately ten (10) feet south of the original four rounds, he found four (4) additional spent 9mm casings. Then, approximately twenty(20) yards south and west towards San Carlos Street, he found nine (9) live rounds in a three foot diameter area. He drew the on the diagram where he found the rounds in the field. He said Deputy [redacted] found four (4) additional spent casings on San Carlos Street just south and east of where he found the nine (9) live rounds and found one (1) spent bullet at a house on San Carlos Street.

A search for witnesses was conducted a few days after the shooting. **Witness** [redacted] MH/ [redacted] was interviewed at 1421 hours, on Friday, January 3, 1997, at his home. [redacted] said that he was home during the evening hours of December 31, 1996. At about 2110 hours, he heard someone shooting a gun nearby. He heard about eight (8) shots near [redacted] property line and he estimated the distance from where he was at and where the shots were coming from was about fifty (50) feet. Although he never saw the person shooting, he believed the shooter was on the vacant land adjacent to [redacted] property and just south of the south sidewalk of Cesar E. Chavez Avenue. [redacted] saw the radio car on Hazard Avenue and believed the car was about to turn east on Cesar E. Chavez Avenue. He heard the deputies fire their guns about ten (10) times just prior to the suspect stop firing his gun or at about the same time. He never saw or heard the suspect run from the initial shooting location. He indicated he may not have seen the suspect run because the land slopes to the south. About 45 seconds later, he heard several more gun shots near San Carlos Street, which is to the south and west from where the original suspect rounds were fired from. He believed the initial rounds he heard adjacent [redacted] property and the second volley of rounds that came from the area of San Carlos Street were from the same caliber gun. He told the investigator [redacted] property did not sustain any damage from any deputies rounds.



Witness [redacted] MH/[redacted], [redacted] was interviewed on the telephone at 1903 hours, on Monday, January 13, 1997. [redacted] said he was home on December 31, 1996, during the evening hours. He had friends over and they were visiting inside the home. Shortly after 2100 hours, he was outside when he heard shooting on the vacant land just to the [redacted] of [redacted] property and south of Cesar E. Chavez Avenue. He heard rounds striking the metal shed near his dogs' run. Although he never saw anyone shooting at his dogs, he thought someone may have been shooting at the dogs. He never saw any muzzle flashes. He never heard or saw the deputies fire their guns from Hazard Avenue.

Witness [redacted] MH/[redacted] was interviewed on Friday morning, January 31, 1997. Mr. [redacted], on the evening of December 31, 1996, was inside his living room with his family when he heard one gunshot and then his living room window broke. He indicated he was about 8 feet from where the window broke. After he heard the single gunshot, he walked onto the front porch which faces to the north, where he heard many more shots. He did not see anyone run in the area of the vacant field [redacted] from his home and to the north.

[redacted], the property's owner, said that when the round hit the window, his [redacted], [redacted], and [redacted] along with two [redacted], ages [redacted] and [redacted] were seated at the table, while he was seated on the sofa.

[redacted] reported that about 30 minutes after the shooting he was contacted by a deputy sheriff. He told the deputy his living room window had just broke possibly as a result of a shooting. The deputy found the bullet lying on the steps to the front porch directly below the broken window. He recalled the deputy took the bullet and wrote down his name.

> **IAB NOTE:** The IAB investigator saw an indention in the top frame of the living room window with the glass broke just below the frame. The living room window to [redacted] residence is [redacted] of where the two deputies fired on New Year's Eve.

Lastly, [redacted] reported that no one inside his home was injured as a result of the shooting on New Year's Eve.

> **IAB NOTE:** The bullet recovered on Mr. [redacted]'s front porch steps was sent to the Crime Lab and a comparison has been requested to determine whether this round was fired from one of the deputies' guns.

> **IAB NOTE:** Sergeant Bruce Harris at the Firearms Section of the Crime Lab determined that the bullet that struck Mr. [redacted]'s home was fired from Deputy Romero's firearm. Harris' report is included as an exhibit.

According to Detective Hollowell, as of February 24, 1997, no arrests have been made in the case.